Writ Petition (32)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर Public Interest Litigation (P.I.L.) (22)

आदेश पत्रक

WP
मामला क्रमांक 1521 सन् 2004 Division Bench
In the matter of विरुद्ध Vidarbha

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
		por 1527/04 Petition of WP Presented on 04/06/04 with by Shri Office Retrieved it be checked fixed for .....

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.NO.1521/2004

IN THE MATTER OF UNION OF INDIA AND OTHERS

ORDER

Post for 14.6.2004

Sd/-
Fakhruddin
Judge

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.NO.1521/2004

IN THE MATTER OF UNION OF INDIA AND OTHERS

Present:

Shri Ravish Agrawal, Advocate General with Shri Shashank Dubey, Dy. Advocate General and Shri Sandeep Dubey, Panel Lawyer for the State.

Shri Vinay Harit, Sr. Standing Counsel for Union of India and Railways.

Shri H.B. Agrawal, Sanjay K. Agrawal, Shri Sanjay S. Agrawal and Shri Amit Sharma appear as Amicus Curiae.

S/Shri Sanjay Pillai, DIG (Railway), Rajaram, Dy. C.S.P., R.P.F., Chhattisgarh, Ajay Shankar Jha, Dy. C.C.M., G.M.S. Naidu, Dy. Commissioner (Coaching), G. Viswakarma, ALO (Zone) Bilaspur and Denial Das representing Divisional Security Commissioner are present.

ORDER

Per Fakhruddin, J:

Regarding the day-to-day robberies and dacoities in few of the trains running late by many hours, lot of hue and cry are being raised by the media and the public at large. These problems have to be dealt with by the Railways. So far as law and order are concerned, the maintenance of the same is an obligation of the State Governments. Govt. Railway Police, Civil Police and plain clothed CID Officers all are there to reduce and detect crime and to prosecute the criminals and assist the Courts to deliver prompt justice.

(2) This Court has issued notices. Pursuant to the notices issued, the authorities have responded and the Senior Officers presented their versions, which have been recorded.

(3) Shri Ravish Agrawal, learned Advocate General of the State of Chhattisgarh highlighted the problems and showed serious concern. One of the concerns showed is that the incident occurs and trains get delayed. The passengers get agitated and the trains are detained, which causes unnecessary delay and inconvenience to the co-passengers. Learned Advocate General assured full co-operation on behalf of the State, so also Shri Shashank Dubey, Dy. Advocate General assisted by Shri Sandeep Dubey, Panel Lawyer. Shri Vinay Harit, learned Sr. Counsel for Union of India, equally showed concern on behalf of the Railways and its authorities.

(4) Amicus curiae Shri Sanjay K. Agrawal extensively read the decision of the Apex Court reported in *AIR 1984SC 74 (Dr. P. Nalla Thampy Thera –v- Union of India and others)*. He also relied upon the judgments reported *in 2000(2) SCC 465 (Chairman Railway Board & ors. –v- Chandrima Das (Mrs.) & ors.)* and AIR 2003 P&H 141 (Union of India vs. Rajesh Kumar).

(5) Shri H.B. Agrawal, Shri Sanjay S. Agrawal and Shri Amit Sharma, Advocates, with permission assisted the Court. They referred to para 26 of the judgment of the Apex Court in the case of Dr.P. Nalla (supra) and submitted that the problems can be solved, if every citizen becomes aware of his duties and before asking for enforcement of his right, volunteers to perform his obligation.

(6) Shri Rajaram, Dy.C.S.P., R.P.F., Chhattisgarh submitted that 42 trains are running through Bilaspur Section and they have identified 6 trains (Up and Down) which are affected by the incidents of dacoity, loot etc. They are Hirakund Express, Utkal Express, Amarkantak Express, Sarnath Express, Bilaspur Rewa Passenger and Bilaspur Bhopal Passenger. He further submitted that the security at present is with the G.R.P. and the R.P.F. will take charge of security from 1st July 2004. He further submitted that police personnel are being equipped with proper facilities to stop the incidents of theft, extortion, robbery and dacoity in trains.

(7) Shri Sanjay Pillai, D.I.G., Railway, also addressed the Court. He submitted that the G.R.P. is equally concern and they have taken note of the situations. After the reports are lodged, they have started proceedings. Proper persons are now being deployed duly equipped.

(8) Shri Ajay Shankar Jha, Dy.C.C.M., and other officers of the Railways present pointed out that security in Sarnath Express is being monitored by the Railway Board.

(9) Since the security in Sarnath Express is being taken care of by the Railway Board, in view of the reports of incident, Hirakund Express may also be taken care of by the Railway Board.

(10) So far as incidents ~~which are happening~~ of loot and dacoity are concerned, preventive action be taken and due security should be provided. Proper security guards be deployed duly equipped. If incidents occur, reports be lodged. The copies of these reports also be sent to the Railway Magistrate or the Magistrate concerned, who shall

proceed in the matter in accordance with the provisions stipulated under the Criminal Procedure Code.

(11) It is pointed out that various zones are there and trains pass through many zones and provinces. It is also pointed out that there are various police stations on the train lines. Proper co-ordination from the State, zones and all concerned is required. Let the same be done. Learned Advocate General submitted that if something is required from the State, the Railways may inform and take up the matter with State Home Secretary.

(12) So far as security in the trains is concerned, the Director General of Police of the State of Chhattisgarh and the State of M.P., so also the Zonal and Regional Managers, may meet and sort out the ways and means. It is hoped that the authorities and the Government would provide security to improve this great public utility in an effective way and with an adequate sense of urgency by taking early steps. Let every effort be made by all concerned keeping in view that the Railways are a public utility service and if the incidents frequently occur and unreported are undetected, the very credibility of it may be lost.

(13) Amicus curiae appearing also showed serious concern about late running of trains and also the supply of wrong information about the position of trains.

(14) Shri Jha, Dy.C.C.M., submitted that Controller does not give correct information and the Announcer gets incorrect information. This problem is of Railways interse department. It must be solved. The D.R.M. and the Zonal Managers would look into the matter. The public is entitled to get the correct

information and the Announcer must have the correct information. Continuous late running of trains by more than three hours or so, beside causing unnecessary delay and inconvenience to the public, is a loss to the Railways as well. It is informed that passengers are entitled to cancel the ticket and get refund, if train is late by three hours or more. If the trains are late by more than three hours, Railway Board/Zonal Manager should take such steps, which are warranted.

(15) It is also stated by the authorities that some times small incident is highlighted and good work done by the Railways is not reported.

(16) So far as this aspect is concerned, the authorities may put up their version by such method, which are permissible with print or electronic media and seek co-operation.

(17) Learned Advocate General also highlighted one more thing that there is long standing demand that Amarkantak Express via Jabalpur may be made available for every day and if possible first A.C. be provided. So far as this is concerned, Shri Harit has taken note of it, but it is for the Railways to consider and decide and this Court leaves it for consideration of Railways.

(18) So far as the Courts are concerned, they have their own limitations. The authorities assure that they will do their best. The action report regarding security and information about late running of trains may be submitted to this Court as expeditiously as possible preferably within a month. Thereafter, periodical check-up may be done and quarterly

report may be submitted through Addl. Registrar (Judicial) for perusal.

(19) Before parting, this Court appreciates the valuable assistance rendered by the Advocate General, Amicus Curiae and the counsel appearing for the parties.

Sd/-
Fakhruddin
Judge

14/6/2004